[~115H6439]

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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration Alert Program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. McCAUL introduced the following bill; which was referred to the Committee on _____

_____

A BILL

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration Alert Program, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the ''Biometric Identifica-

5 tion Transnational Migration Alert Program Authoriza-

6 tion Act of 2019''.

1 **SEC. 2. BIOMETRIC IDENTIFICATION TRANSNATIONAL MI-**

2 **GRATION ALERT PROGRAM.**

3 (a) IN GENERAL.—Subtitle D of title IV of the

4 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)

5 is amended by adding at the end the following new section:

6 **"SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL**

7 **MIGRATION ALERT PROGRAM.**

8 "(a) ESTABLISHMENT.—There is established in the

9 Department a program to be known as the 'Biometric

10 Identification Transnational Migration Alert Program'

11 (referred to in this section as 'BITMAP') to address and

12 reduce national security, border security, and terrorist

13 threats before such threats reach the international border

14 of the United States.

15 "(b) DUTIES.—In carrying out BITMAP operations,

16 the Secretary, acting through the Director of U.S. Immi-

17 gration and Customs Enforcement, shall—

18 "(1) coordinate, in consultation with the Sec-

19 retary of State, appropriate representatives of for-

20 eign governments, and the heads of other Federal

21 agencies, as appropriate, to facilitate the voluntary

22 sharing of biometric and biographic information col-

23 lected from foreign nationals for the purpose of iden-

24 tifying and screening such nationals to identify those

25 nationals who may pose a terrorist threat or a threat

26 to national security or border security;

1 ''(2) provide capabilities, including training and
2 equipment, to partner countries to voluntarily collect
3 biometric and biographic identification data from in-
4 dividuals to identify, prevent, detect, and interdict
5 high risk individuals identified as national security,
6 border security, or terrorist threats who may at-
7 tempt to enter the United States utilizing illicit
8 pathways;

9 ''(3) provide capabilities, including training and
10 equipment, to partner countries to compare foreign
11 data against appropriate United States national se-
12 curity, border security, terrorist, immigration, and
13 counter-terrorism data, including—

14 ''(A) the Federal Bureau of Investigation's
15 Terrorist Screening Database, or successor
16 database;

17 ''(B) the Federal Bureau of Investigation's
18 Next Generation Identification database, or suc-
19 cessor database;

20 ''(C) the Department of Defense Auto-
21 mated Biometric Identification System (com-
22 monly known as 'ABIS'), or successor database;

23 ''(D) the Department's Automated Biomet-
24 ric Identification System (commonly known as
25 'IDENT'), or successor database; and

1   ''(E) any other database, notice, or means

2   that the Secretary, in consultation with the

3   heads of other Federal departments and agen-

4   cies responsible for such databases, notices, or

5   means, designates; and

6   ''(4) provide partner countries with training,

7 guidance, and best practices recommendations re-

8 garding the enrollment of individuals in BITMAP;

9 and

10   ''(5) ensure biometric and biographic identifica-

11 tion data collected pursuant to BITMAP are incor-

12 porated into appropriate United States Government

13 databases, in compliance with the policies and proce-

14 dures established by the Privacy Officer appointed

15 under section 222.

16   ''(c) COLLABORATION.—The Secretary shall ensure

17 that BITMAP operations include participation from rel-

18 evant components of the Department, and request partici-

19 pation from other Federal agencies, as appropriate. Not-

20 withstanding any other provision of law, the Secretary

21 may enter into agreements related to such participation

22 on a reimbursable or non-reimbursable basis, as appro-

23 priate.

24   ''(d) AGREEMENTS.—Before carrying out BITMAP

25 operations in a foreign country that, as of the date of the

1 enactment of this section, was not a partner country de-

2 scribed in this section, the Secretary, in consultation with

3 the Secretary of State, shall enter into agreement or ar-

4 rangement with the government of such country that sets

5 forth program goals for such country, includes training,

6 guidance, and best practices recommendations regarding

7 the enrollment of individuals in BITMAP, and outlines

8 such operations in such country, including related depart-

9 mental operations. Such country shall be a partner coun-

10 try described in this section pursuant to and for purposes

11 of such agreement or arrangement.

12   ''(e) NOTIFICATION TO CONGRESS.—Not later than

13 60 days before an agreement or arrangement with the gov-

14 ernment of a foreign country to carry out BITMAP oper-

15 ations in such foreign country enters into force, the Sec-

16 retary shall provide the Committee on Homeland Security

17 of the House of Representatives and the Committee on

18 Homeland Security and Governmental Affairs of the Sen-

19 ate with a copy of such agreement or arrangement to es-

20 tablish such operations, including the following:

21   ''(1) The identification of the foreign country

22   with which the Secretary intends to enter into such

23   an agreement or arrangement.

24   ''(2) The location at which such operations will

25   be conducted.

1   ''(3) Goals for BITMAP operations in the for-

2 eign country.

3   ''(4) The terms and conditions for Department

4 personnel operating at such location.

5   ''(f) CAPTURED INFORMATION OF UNITED STATES

6 CITIZENS.—The Secretary shall ensure that any biometric

7 and biographic identification data of United States citi-

8 zens that is captured by BITMAP operations is expunged

9 from all databases to which such data was uploaded, un-

10 less such data is retained for specific law enforcement or

11 intelligence purposes.''.

12   (b) REPORT.—Not later than 180 days after the date

13 on which the Biometric Identification Transnational Mi-

14 gration Alert Program (BITMAP) is established under

15 section 447 of the Homeland Security Act of 2002 (as

16 added by subsection (a) of this section) and annually

17 thereafter for the following five years, the Secretary of

18 Homeland Security shall submit to the Committee on

19 Homeland Security of the House of Representatives and

20 the Committee on Homeland Security and Governmental

21 Affairs of the Senate a report that—

22   (1) outlines the strategic goals and operational

23 plans for BITMAP;

24   (2) outlines key efforts and the progress made

25 with each partner country;

1 (3) provides a description of the agreement or

2 arrangement with the government of each partner

3 country, if practicable;

4 (4) provides budget information related to ex-

5 penditures in support of BITMAP, including the

6 source of funding and anticipated expenditures;

7 (5) sets forth Department of Homeland Secu-

8 rity personnel, equipment, and infrastructure sup-

9 port to be used by BITMAP, broken down by coun-

10 try and number;

11 (6) includes the number of individuals each

12 partner country enrolled into BITMAP during the

13 reporting period, broken down by key categories, as

14 determined by U.S. Immigration and Customs En-

15 forcement;

16 (7) includes the training, guidance, and best

17 practices recommendations provided pursuant to

18 subsection (b)(4) of such section 447;

19 (8) includes a review of the redress process for

20 BITMAP; and

21 (9) details the effectiveness of BITMAP oper-

22 ations in enhancing national security, border secu-

23 rity, and counterterrorism operations.

24 (c) BRIEFINGS.—Not later than 30 days after each

25 report is submitted pursuant to subsection (b), the Sec-

1 retary of Homeland Security shall brief the Committee on

2 Homeland Security and Governmental Affairs of the Sen-

3 ate and the Committee on Homeland Security of the

4 House of Representatives regarding—

5   (1) individuals enrolled in BITMAP who have

6   been apprehended at the United States border or in

7   the interior of the United States; and

8   (2) asylum claims that were submitted by indi-

9   viduals who are enrolled in BITMAP.

10 (d) GAO AUDIT.—Not later than six months after

11 the date of the enactment of this Act and every three years

12 thereafter, the Comptroller General of the United States

13 shall—

14   (1) conduct an audit that analyzes the effective-

15   ness of BITMAP operations; and

16   (2) submit to the Committee on Homeland Se-

17   curity and Governmental Affairs of the Senate and

18   the Committee on Homeland Security of the House

19   of Representatives a report containing the results of

20   such audit.

21 (e) SUNSET.—Section 447 of the Homeland Security

22 Act of 2002, as added by subsection (a), shall be repealed

23 on the date that is six years after the date of the enact-

24 ment of this Act.

1   (f) CLERICAL AMENDMENT.—The table of contents

2 in section 1(b) of the Homeland Security Act of 2002 is

3 amended by inserting after the item relating to section

4 446 the following new item:

"Sec. 447. Biometric Identification Transnational Migration Alert Program.".